

JAN 31 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *J. Craft*  
DEPUTY CLERK

DON W. MCKINNEY,	)	Civil Action No. 7:11-cv-00028
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
COMMONWEALTH OF	)	
VIRGINIA, <u>et al.</u> ,	)	By: Hon. James C. Turk
Defendants.	)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff is **GRANTED** leave to proceed in forma pauperis; the complaint is **DISMISSED** **without prejudice**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 31<sup>st</sup> day of January, 2011.

*James C. Turk*  
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Senior United States District Judge